

Jamie Rucker (JCR 6767)
National Labor Relations Board
Region 2
26 Federal Plaza, Room 3614
New York, New York 10278
(212)264-0300

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**CELESTE J. MATTINA, Regional Director,
Region 2, National Labor Relations Board,
for and on Behalf of the NATIONAL
LABOR RELATIONS BOARD,**

Petitioner,

-against-

08 Civ. 03332

**SAIGON GRILL GOURMET RESTAURANT, INC. &
SAIGON SPICE, INC. d/b/a SAIGON GRILL
RESTAURANT,**

J. Chin

Respondent.

ECF

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AFFIDAVIT

County of New York)
) SS
State of New York)

I, Ming Hua Chen, being duly sworn, do hereby affirm as follows:

1. I began working for Saigon Grill Restaurant ("Saigon Grill," "the Restaurant," or "the Employer") in about November 2005. I worked at the Employer's facility at 620 Amsterdam Ave. I remained employed there until March 3, 2007, when I and all the other delivery persons were fired by Simon Nget and Michelle Nget.
2. My work schedule at the time my employment ended was Tuesday through Sunday, from 5:00 p.m. to 10:30 p.m. I was paid \$348 per month and earned an additional \$2500-\$2600 per month in tips.

3. Before I was fired in March 2007, the Employer used to pay me an extra dollar for deliveries over thirteen blocks away, and an additional dollar for deliveries more than ~~fourteen~~ ~~twenty~~ blocks away.

4. On March 10, 2008, I went to the Employer's facility with Local 318 Restaurant Workers Union representative Lin Song and about a dozen of my former co-workers. We all asked for our jobs back. At that time, a number of us provided work authorization documents to Simon Nget, the owner of the Restaurant, and completed I-9 forms.

5. Sometime around March 14, 2008 I received a telephone call from Simon Nget saying that he was sending me an offer to return to work. About a day later, I received a letter sent by certified mail and postmarked March 14, 2008, signed by Simon Nget. That letter told me to report to work the next week and gave me a schedule of Tuesday through Sunday, from 5:30 p.m. to 10:00 p.m. The letter also said I would be paid \$5.15 per hour.

6. Three or four days after I received the letter, I tried to call Simon Nget on his cell phone to ask him about the work schedule. I tried three different times that day, with each call about two hours apart from the last. I did not reach Simon Nget or any voice mail. The phone simply rang and rang when I called.

7. Later on the same day that I tried to call Simon Nget, I asked Jian Yun Chen to speak to Simon Nget for me about returning to work with a reasonable work schedule. The next day, Jian Yun Chen reported to me that he had been unable to speak to Simon Nget, but had asked the lead delivery person, whose name I do not know, to have Simon Nget call me.

8. Since March 15, 2008, I have not heard from Simon Nget or

any other manager of the Employer, about returning to work at the Restaurant.


I have read this statement of 3 pages, including this one, I fully understand its contents, and I certify that it is true and correct to the best of my knowledge and belief.

Ming Hua Chen

Sworn to before me at
26 Federal Plaza, Room 3614
New York, New York this
22nd day of April 2008

Jamie Rucker, Board Agent,
National Labor Relations Board

I am fluent in English and Mandarin Chinese, I have read the foregoing document, and I certify that it is a true and accurate translation of the attached affidavit of Ming Hua Chen, given April 22, 2008.



Su Yun Chen

宣誓书

我陈明华发誓并特此确定以下内容：

1. 我开始为 Saigon Grill Restaurant ("Saigon Grill", "餐馆"或"雇主")上班是在 2005 年 1 月份。我是在雇主店 620 号 Amsterdam 里面上班。我一直在那里上班到 2007 年 3 月份的。那时我和其他全部送餐员都被 Simon Nget 和 Michelle Nget 解雇。
2. 在我被解雇之前的工作时间是星期二到星期天,从下午 5 点到晚上 10 点半。每个月我^所得的薪水是 348,加上小费大约在 2500 到 2600 之间。
3. 在 2007 年 3 月我还没有被解雇之前,~~每~~^每天超过 13 条街的单雇主会支付 1 块给那单再超过 14 条街会再加 1 块钱。
4. 在 2008 年 3 月 10 号的时候,我跟地方 318 餐馆员工工会的代表 Lin Song 和差不多 12 个旧员工去雇主的店。我们全部的人都要求拿回我们的工作。在那个时候,在我们当中有些人^也提供了他们的工作许可证件给 Simon Nget,餐馆的老板,而且还填了 I-9 表格。
5. 大约在 2008 年 3 月 14 号的时候,我收到一通电话^{Simon Nget 打来的}说他会寄一封信叫我回去上班。差不多一天之后,我收到一封挂号信。信上的邮件时间是 2008 年 3 月 14 号,签名是 Simon Nget。那封信说叫我下个星期^再到餐馆里报到,还有上班的时间表是从星期二到星期天,从下午 5 点半到晚上 10 点。信上也说,我的时薪是 5.15。
6. 当我收到信了三天之后,我试着打电话给 Simon Nget 的手机关于上班时间安排。那天我试了三个不同的时间打电话,每通电话之间都有差不多 2 个小时的间隔。我没有找到 Simon Nget 或者电话接到他的留言里面。当我打电话的时候,电话只是一直在响。
7. 那天比较晚的时候我试着打电话给 Simon Nget。我有拖 Jian Yun Chen 帮我跟 Simon Nget 说^我我回去上班的时候有一个比较合理的时间安排。第二天, Jian Yun Chen 跟我说他没有机会跟 Simon Nget 说上话,但他有跟外卖头(那人的名字不知道)转告叫 Simon Nget 打电话给我。

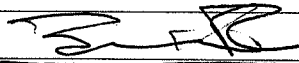
8. 从2008年3月15号开始到现在,我没有从 Simon Ngai 或雇主的^{经理}那里听到叫我回去上班的事。

我已读过这份3张包抄的申明书。我完全明白这里面的内容。根据我所知道的事和所信的神名,确定这里面的内容是真实的也是正确的。

CHEN MING HUA

Ming Hua Chen

在我面前发誓是在
26 Federal Plaza, 3614房间
New York, New York,
在2008年4月22号



Jamie Rucker, 局代表人

全国劳工委系局